

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL SHEPARD,

Case No. 2:20-cv-01445-KJM-JDP (PC)

Plaintiff,

v.

KELSO, *et al.*,

ORDER MODIFYING THE DISCOVERY  
AND SCHEDULING ORDER ON THE  
COURT'S OWN MOTION

Defendants.

On October 10, 2023, I granted plaintiff's prior counsel's motion to withdraw and directed the parties to file separate status reports. ECF No. 63. I directed both parties to state whether additional discovery was required, how long discovery would take, and whether they were interested in participating in a further settlement conference.

Defendants state that they have no desire to participate in either additional discovery or a further settlement conference; they solely request to re-file their motion for summary judgment. ECF No. 64. Plaintiff seeks a ninety-day continuance and would participate in a further settlement conference. ECF No. 65.

While I understand both parties' eagerness to advance this matter, plaintiff has not had an opportunity to conduct discovery now that he is unrepresented. Although he had counsel during discovery, giving the issues the court faced with plaintiff's prior counsel and plaintiff's request

1 for additional time, I find that plaintiff should have a brief opportunity to seek additional  
2 discovery. Accordingly, I construe plaintiff's request for a continuance as a request for time to  
3 complete discovery. At the completion of discovery, both parties may file dispositive motions.

4 Accordingly, it is hereby ORDERED that:

5       1. On the court's own motion, the December 27, 2021 discovery and scheduling order is  
6 modified as follows:

7           a. All requests for discovery pursuant to Fed. R. Civ. P. 31, 33, 34, or 36 shall be  
8 served no later than January 26, 2024.

9           b. The deadline for the completion of all discovery, including filing all motions to  
10 compel discovery, is March 1, 2024.

11           c. Dispositive motions shall be filed on or before May 3, 2024.

12 IT IS SO ORDERED.

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14 Dated: November 27, 2023



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15 JEREMY D. PETERSON  
16 UNITED STATES MAGISTRATE JUDGE

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